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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,593

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Frank Bartels

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EXAMINER

ROZANSKI, MICHAEL T

ART UNIT

PAPER NUMBER

3768

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,593	Applicant(s) BARTELS ET AL.	
	Examiner Michael Rozanski	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-13, 15-16, 21-23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Siczek et al*** (US 5,014,292).

Siczek et al disclose a support arm assembly 1, table positioner 2, and a carrier assembly 3 having an x-ray source 4 (col. 2 lines 30-38). Table positioner 2 comprises a table top 25 mounted at one end in a frame 26, which is pivotally connected to a pantograph structure 27 that is secured at its other end to a carriage means 6. A diagonal arm functions as a height adjustment means that is displaced laterally from the examination aperture and is mounted on the CT device by the support assembly 1 (col. 2 line 63-col 3 line 19). The support arm is mounted to the height adjusting device with a rotary bearing via pivot joints 33-36 and the stretcher guide is rotatable about a vertical axis and is mounted to the height adjustment means (see figure 4). Furthermore the stretcher guide 26 and table positioner 2 are adapted to slidably receive the stretcher 25 (see figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Siczek et al.**

Siczek et al substantially disclose all features of the current invention but do not specifically disclose that the support arm is rotatable about a vertical axis. The Siczek et al invention differs from the Applicant's invention in that Siczek et al includes support member 8 with a drive assembly for rotating carriage assembly in a vertical or tilted plane passing through a patient's body. In Applicant's invention, the gantry is fixed while the arm is able to rotate about a vertical axis. Whether the carriage is rotated about the patient support or the support is rotated relative to the gantry, the effect is the same. It would have been obvious to one with ordinary skill in the art at the time the invention was made to rotate the arm about a vertical axis in order to rotate the patient support relative to a fixed gantry.

Claims 17-20, 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Siczek et al.** in view of **Seufert** (US pub 2002/0112288).

Siczek et al substantially disclose all features of the current invention but do not disclose a 2nd height adjuster. In the same field of endeavor, Seufert teaches of a CT examination apparatus with independently height-adjustable supports 11, 23 located on

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either side of CT device (see figure 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a second height adjuster designed in the same fashion as that disclosed by Siczek et al in order to utilize the CT device for one patient while another patient is being prepared to enter the device.

Claims 9-12, 22-23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gore** (GB 2,286,887).

Gore discloses an MRI scanning apparatus comprising a housing with an aperture into which a patient is introduced. A platform 3 is arranged to move as the crank arm (i.e. height adjusting device) is rotated between a low position and a high position (see figures 1, 2). It is further noted that any suitable drive and coupling mechanism may be used to rotate the crank arm between the two positions (see pg 5).

However, the Gore invention is directed to and MRI apparatus and not a CT device. It would have been obvious to one with ordinary skill in the art at the time the invention was made to have incorporated a CT device because MRI and CT gantries are very similar in structure (i.e. housing with aperture) and function (medical imaging of a patient).

Response to Arguments

Applicant's arguments filed 11/21/07 have been fully considered but they are not persuasive.

In regard to the Siczek et al reference, the rejection is maintained. Applicant argues that Siczek et al do not teach or suggest a CT device and that the height adjusting device is mounted on the CT device. However, Siczek et al teach of an x-ray examination apparatus. CT imaging methods employ computer processing used to generate a three dimensional image of a subject from a series of two dimensional x-ray images taken around a single axis of rotation. Contrary to Applicant's assertions, the Siczek et al reference does suggest a CT device because the device comprises single axis rotation means and means for acquiring x-ray images. Furthermore, the height adjusting device (diagonal arm 37 with pantograph structure 27) is connected through elements 6, 7, 8 (see figure 1), wherein element 8 is directly connected to the carrier assembly 3. These elements are used for movement of the carrier assembly 3 and the patient table 25 and are connecting elements of the height adjusting device to the carrier assembly 3. Therefore, the height adjusting device is considered to be mounted on the CT device, regardless of any connecting elements in between.

In regard to the Schaefer et al reference, the rejection is withdrawn because the details of whether the patient support is (or is not) supported on the C-arm.

In regard to the Seufert reference, the second height adjusting support is considered to be mounted on the medical imaging device. While the support is mounted on the floor, it is also mounted to element 18 (figure 1), which is connected to and adjacent to the imaging device. Therefore, the support is considered to be on the imaging device.

In regard to the Gore reference, the rejection is maintained. Applicant argues that the height adjustment device is not mounted displaced laterally from the examination aperture. However, Examiner finds that the term "lateral" depends on what perspective the apparatus is being viewed from. From the front view (as is shown in figure 1), the height adjustment device is connected to axis 5 that is not lateral to housing 1. However, when viewed from the side perspective (i.e. in the direction perpendicular to that shown in figure 1), the height adjustment device is displaced laterally from the examination aperture as the current claim requires. Without more precisely defining the orientation, Gore meets the claim limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rozanski whose telephone number is 571-272-1648. The examiner can normally be reached on Monday - Friday, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/
Primary Examiner, Art Unit 3768

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